

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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IVAN JOHNSON,

Plaintiff,

v.

ORDER

12-cv-891-bbc

ROBERT TUCKWELL, PAUL SUMNIGHT,  
BELINDA SCHRUBBE, CHARLENE REITZ,  
JEREMY STANIEC, BENJAMIN HILBERT,  
DANIEL BRAEMER, BRYAN UMENTUM,  
BONNIE LIND and JERRICA EAGER,

Defendants.

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In this case, plaintiff Ivan Johnson is proceeding on his claim that defendants refused to provide plaintiff with a special diet or adequate nutrition in violation of the Eighth Amendment. Now before the court is plaintiff's motion to compel discovery. However, as defendants point out, the motion is premature because under Fed. R. Civ. P. 34, they have 30 days to respond. Plaintiff sent his request for production of documents on September 11, 2013, and filed his motion to compel on October 3. Accordingly, I will deny the motion. The 30-day response deadline has now passed, however, so if plaintiff has not yet received responses or believes the responses are inadequate he may renew his motion.

ORDER

IT IS ORDERED that plaintiff's motion to compel discovery, dkt. 22, is DENIED as premature.

Entered this 16<sup>th</sup> day of October, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge